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DEMANDING A PLACE UNDER THE KGOTLA TREE:* RURAL WOMEN'S ACCESS TO LAND AND POWER**

Lydia Kompe
Janet Small***

I. Introduction

This paper is based on fieldwork conducted by the Transvaal Rural Action Committee (TRAC), a South African Non-Governmental Organisation during the last part of 1990. Twenty individual interviews were done with women from ten communities in the Western, Northern and South Eastern parts of the Transvaal province of South Africa. Background information was drawn from various rural women's meetings which were hosted by TRAC and from the experience of TRAC fieldworkers.¹

The paper aims to explore the position of women in Transvaal rural societies with a particular focus on their status, access to decision making and their rights to land and/or property. The contact we have with rural people's lives has given us some sense of the problems facing future land reform and rural development in this country. We believe that rural people's voices should be heard and that rural women in particular have the least access to processes of political decision making. Our main objective is to highlight areas where it seems that changes could have a positive impact on rural women's lives.

* *Kgotla* (Tswana) is the traditional community/tribal decision-making body. The *kgotla* meets under a designated tree — the *kgotla* tree.

** This paper has been revised based on comments from members of the University of Natal's Gender Research Conference Committee.

*** See note 1, *infra*.

1. Fieldworkers from TRAC who worked on the paper are Lydia Kompe and Janet Small. Members of the Black Sash Rural Interest Group helped with interviewing. Tania Schoennogel, Barbara Klugman and Aninka Claasens made contributions to the conceptualising of the paper, and gave direction during the writing phase. Harry Dugmore did extensive editing in the early drafts.

II. Background

TRAC was established in 1983 by the Black Sash (a South African human rights organisation comprised of women) in response to the demand from rural black communities for assistance in resisting forced removals and incorporations into bantustans. It is a rural service organisation which provides legal, publicity and organisation-building support for the struggle of communities against these policies.

After a few years of work, it had become apparent that the sector of the community most often directly affected was the women. Yet they were almost always excluded from meetings or deliberations about strategy and struggle, as political or community affairs are seen as an exclusively male domain. As a women's organisation, the Black Sash was already sensitive to the gender question, so when employing a new fieldworker in 1986, an ability to work with rural women was given consideration. TRAC employed Lydia Kompe, herself a rural woman and trade unionist, as a fieldworker with a specific brief of targeting rural women.

During the latter part of the eighties, TRAC work was dominated by crises in trying to prevent removals and incorporations. MamLydia managed to work with women during this period. She prioritised building women's groups to articulate women's opinions in community discussion forums. In the 1990s, with the reform era, some of the struggles over land have been transformed into questions about development. The early 1990s are a transition period; some aspects of old-style crisis work, such as anti-bantustan struggles, are combined with challenges about planning and development in rural areas.

III. Methodology

Interviews with rural women were conducted between October 1990 and January 1991. Members of the Black Sash and TRAC fieldworkers did the loosely-structured interviews, either through local interpreters or in English. The women came from three broad types of land ownership/occupation arrangements: forms of individual freehold tenure, forms of communal freehold tenure and land owned by the government (either the South African Development Trust or by a homeland).

Women living on individually-owned freehold plots were the least represented in the interviews, since we are active in fewer individual freehold areas. The main freehold area focused on was Driefontein, a 15,000 strong community in the South Eastern Transvaal which was threatened with forced removal in the early 1980s. Though the community resisted removal, the struggle was bitter and resulted in the death of a

prominent community leader. The administration of the area is done through an elected Council Board. The effects of the struggle on women are explored later in the paper.

Another common form of land ownership that is encountered in the Transvaal is communal freehold tenure, which means land that is owned by a tribe or group of people collectively. The communities with communal freehold land holding discussed in this article are Braklaagte (population of about 10,000) and Leeuwfontein (approximately 15,000 residents) in Bophuthatswana, the tiny 1,200-person Mogopa in the Western Transvaal, and some villages in the sprawling settlement of Moutse (population of well over 120,000) in Northern Transvaal. In all these cases, the communities are tribal clans (with tribal systems in place) which control access and use of land. Braklaagte, Leeuwfontein and Moutse have all faced struggles against incorporation into bantustans. All involved fierce resistance and often terrible violence and suffering. Only Moutse's struggle was successful. Mogopa were forcibly removed in 1984 and subsequently returned to reoccupy the land in 1990. They have been allowed to remain on the land, but are still negotiating with the government for the final return of their title deed.

The last category of land occupation that we deal with is, broadly speaking, government-owned land. The land is either owned by the South African Development Trust (SADT) or by the government of a self-governing territory. We work with women from villages in Moutse on land owned by the SADT, with women who live on government land in villages in Lebowa in the Northern Transvaal, and women living in villages in Kwandebele in the central Transvaal. In all instances, the administration of the land is through a formal tribal authority structure with a chief and headmen.

The categories mentioned and the small sample of interviews mean that we do not deal with all "rural women." Important constituencies are completely excluded, for example, women living on farms as workers or labour tenants, and in rural townships. In other words, this article is impressionistically-based on the particular context of the work of TRAC with rural women in some communities across the Transvaal.

IV. Land and Power

In the past, access to and control over land has been the fundamental relationship in rural African societies. According to Cross (1990) it offers families real security not based only on the ability to obtain produce from the land. Traditional systems of land tenure allow all families a claim to

land from the greater community. The granting of land to the male head of household also means the acquisition of powers to be involved in local community decision-making. Each family can expect access to land for living on (erecting some kind of shelter), land for growing crops, and land for grazing stock. While women in general would have benefitted from these arrangements which focus on the welfare of the family, they have no security of their own within this system. With the breakdown of the old forms of community organisation, women have been left in an invidious and exposed position.

Sufficient land and adequate housing are fundamental problems for rural women. Women interviewed occupied land in a variety of different forms determined partly by apartheid land policy and partly by the nature of their rural societies. In all cases, the greatest problem facing all women is their lack of legitimate access to land. Traditionally, land is owned or controlled by the male head of the household. Historically, women are largely responsible for work in the fields but the male is the formal owner/manager. Today, most men are away working in the cities and women take on most responsibility for the land. But they do this on behalf of their husbands, and are given no formal control over decision-making. Three types of land ownership and occupation are discussed later in the paper.

V. Setting the Context

We want lights, water to drink, cook, bathe ourselves, our husbands and our children and do the washing. There is not enough water in the village. It's heart-breaking because water is not enough for livestock to drink. We buy 25 litres of water for R2.50. It's time we women stand up and fight for what we want. It won't come to us. These were the words of a 40-year-old woman from Moutse who was struggling to sustain a household with ten children.

Over the past century, the migrant and wage labour system has fundamentally altered the structure of the African family. Families in rural areas, where over 70% of African women still live (Ginwala et. al 1990, p. 20), have been acutely affected by these forces. Today over half (59% according to Budlender 1990, p. 4) of the households in rural settlements are headed by women because the men have left to find work at the nearest urban centre. In the discussions with women, it is clear that the traditional gender-based division of labour has become distorted because of the almost continuous absence of men from the household. Forced removals, increases in mechanisation, and land hunger as rural

populations have grown, have accentuated the flow of men into labour in towns during the past thirty years. African women have always carried the heaviest burden of work in these societies, but with the departure of increasing numbers of men into wage labour, women's work has increased. This greater absence of men has not necessarily meant a parallel increase in women's power in those societies.

GINWALA, MACKINTOSH and MASSEY (1990, p. 20) have emphasised the extent to which women's unpaid work subsidizes profits in our economy. Following two decades of revisionist writing, they highlight the fact that this unpaid labour is usually physically taxing and time-consuming. Rural women are involved in the arduous tasks of child care, household maintenance and agricultural production. Rural women work extremely long hours struggling to maintain their household without the "normal" urban inputs/supports from the state such as housing, adequate education, infrastructures like electricity, services or social welfare assistance. Some of the profits from the South African economy are being made at the expense of the quality of life of women in general, and of rural women in particular.

In setting the context, the paper will briefly outline some of the main problems faced by the rural women we interviewed. The problems fall into three main categories: basic facilities, social services and employment.

Fuel and water supply were the most commonly noted immediate concerns. In many cases, women spent large portions of their day physically carrying water and wood to keep the household running. A study by Eberhard in four homeland areas (Ciskei, Transkei, Lebowa and Gazankulu) found that women walked between five and nine 9 km on average to collect wood, spending between two to six hours on each journey (Wilson and Ramphela 1989, p. 44). The Rural Advice Centre estimates that only 30-40% of rural households have access to "fairly good" water supplies (*The Star*, 17/12/91). The problems with water supply also limit agricultural endeavors or small-scale farming/gardening:

Water is such an important commodity — it is life-giving. Water is the foundation of life. When you start a home, there must be water first before you can start anything. If there is no water, or if the water is dirty, people will get sick and die. A new-born baby must be washed in water on arrival into the world. When a passer-by visits, they will ask for water first. The whole community must organise around water (RWM minutes, May 1991).

Child care, education and health services came up as problems in almost all communities. But since these problems are also prevalent in urban centres, it is a common trend that many working women send their

children to rural family homes to be looked after and schooled. Many households had a large number of young children who may not be the natural children of the women who headed the household. Budlender quotes a case study of a resettlement area in the Ciskei where 91% of the children being cared for by the adults were not their natural children (1990, p. 5). In most cases, the "granny" is expected to look after the offspring of her children and often of other more distant family members. Meager incomes, inadequate remittances from the migrant earner, and poor health make maintaining the household a particularly onerous task for elderly women. According to Budlender (1991, p. 28), 22% of the population in rural areas is between the ages of 0-5 years old. This is a notably higher proportion than in urban areas:

Because many men of rural origin work in the urban areas, women in "bantustan" areas are also more likely to be without partners to assist with child care. Yet because of poor provision for children in the "common" areas and the slightly better chance of support from the extended family in rural areas, many women living in urban areas choose to send their children to the "bantustans" (Budlender 1991, p. 28).

Women place a great stake on the education of their children to secure their futures. "Education is our future life. The most important gift to our nation is education." This was the sentiment expressed by women from Moutse in the Northern Transvaal at a workshop in May 1991. High levels of anxiety exist about poor schooling. In many areas, there are no schools which cater to secondary education.

Concerns about health services were voiced with considerable urgency. Many villages had clinics, but most women interviewed found the facilities inadequate. There are usually no doctors at the clinics and they do not offer 24-hour service. One of the demands from Northern Transvaal women from a new government was "[t]hat health services should be improved. People often get sick because of inadequate medical care. The government has a responsibility to look after the health of people, especially orphans" (RWM minutes, December 1990). Ginwala et al. point out that women bear hidden economic costs of poor services. This might be in extra time spent waiting for medical attention, increased cost of travel or, simply, untreated illness which reduces productivity.

Women's highly-developed awareness of these three areas (health, child care and education) reflect the extent to which the household's immediate welfare is the sole responsibility of women. The husband may supply hard cash to support the household, and traditionally has total power over all members of his family, but it is the woman who must ensure that the

children are fed, clothed, educated and healthy within the constraints of the household budget.

The lack of employment opportunities is another problem women face. In all the areas covered by TRAC, women complain that there are no local jobs. A group of women at a Northern Transvaal workshop said: "Unemployment has lead to an increase in theft and other forms of crime because of desperation from poverty. The government should address the issue of unemployment by creating jobs" (RWM minutes, December 1990). It means that if a household needs cash income (and it cannot generate it through agriculture) breadwinners must go to cities and towns seeking employment.

Despite the fact that women bear an enormous burden of responsibility for maintaining the family, they still have little decision-making power in their communities. This is a reflection of domestic power relations. Wives have to carry heavy responsibility with little control at a household level. In the words of a 54-year-old widow from Driefontein, who was born in Sophiatown but moved to the rural areas upon her marriage:

It (women's position) is very bad, a woman cannot own anything at home. She is the one who is looking after those things all the time. She is the one who is taking all the responsibility at home. Men, they only come from time to time. So women are the ones who must own the things at home. Even if it is not like that, it must be equal for both.

Husbands often will not consult women on important decisions about the household and, likewise, chiefs refuse them access to land for gardens/crops. The village elders (or *kgotlas*, traditional forms of local government) are usually hostile to ward women working together on projects which try to alleviate their burdens (e.g. shared child care, income generating projects).

VI. The Operation of Power at the Local Level

The way in which women occupy land influences the extent to which they have access to real power in the community. In traditional African society women are assigned a very low status in regard to general community affairs. A woman's only status is, as already pointed out, gained from males — first from her father and later from her husband or sons. A woman's role is explicitly defined in terms of looking after her husband, his family and her children. The home is her place, though even within this, her husband is in control. Men are considered the thinkers, the decision makers in all spheres of the society. In the words of a woman

from Mogopa at a workshop in October 1990: "It is well known that men get their dignity from their wives — this should be a two way process. Women should also be given recognition as important people in the community. Women demand their dignity back — it was removed by their own husbands."

It is customary for the tribe or community to have a decision-making body or *kgotla* (Setswana term — one of the local indigenous languages) which is comprised of male family representatives. The word used to describe the structure may be different (for example, in Sepedi — another indigenous language — it is *kgoro*), but most areas with a tribal identity will have a local governing body with similar responsibilities and restrictions. The representation is based on kinship through each extended family network (*kgoro*) which elects a member to sit on the *kgotla*. In the past, the *kgotla* has been exclusively the domain of elderly men. With the politicisation of communities, young men have asserted their rights as full members of the society and, in many instances, have gained places on the *kgotlas*. The communities of Braklaagte, Leeuwfontein and Mogopa all have young men on the *kgotla* today.

In many Transvaal rural communities where tribal identities are still maintained, the *kgotla* is the overall community authority — it has responsibility for such matters as the allocation of land, resolving petty disputes, and meting out punishment for wrongdoings. Women are not allowed to attend *kgotla* meetings unless called to give "evidence" at a disciplinary hearing. If her son is before the *kgotla* for some misdemeanour, a woman may appeal for lighter punishment. But she may only speak when asked to do so by the men. Traditionally, she must address the *kgotla* on her knees as a sign of respect for the men. A middle-aged mother of ten from Moutse described her experience:

Kgotla meetings are attended by men only. They once held a meeting at the *kgotla* for all residents. We attended, they asked our views, one woman asked to speak — they said "Sit down, women don't speak in these occasions." Most of the things are experienced by women, for example, when your child is arrested or dead, you're the first person to know, you will have to wait for the child's father to come and tell the chief at the *kgotla*. Because you're a woman you can't say anything at the *kgotla*.

Women are informed of community decisions through their husbands or male relatives, and are expected to convey any relevant information to the *kgotla* through the same channels.

Traditionally, the *kgotla* has total power to make decisions. But with the changing political climate, the processes have become more democratic

and the *kgotla* often calls general community meetings in order to report on or discuss an important issue. Women can attend and speak at these broader meetings. A problem in these larger community meetings is that women bear the legacy of entrenched traditional values. This makes it difficult for them to speak freely in the presence of men. In some areas, there is no "tribal" structure such as a *kgotla*, but the community's decision-making forum is still likely to exclude women. In many communities the rise of political consciousness has resulted in the formation of parallel political organisations such as civics, youth and sometimes even women's organisations. Even so, it is not very common for the civic or youth structures to include women among their executives.

In the face of extreme crises, the community may be forced to rely on women to a greater extent than is normally the case. In our work, the threat of forced removal of the community has sometimes thrust women into positions where men must deal with them outside the domestic terrain. Generally, because of men's absence while working in the cities, women are the first line of confrontation with the government authorities. The threat of removal directly affects the welfare of women and their children living in that community.

Women in this situation are often vocal and aggressive toward white government officials, behaving in ways which seem outside their traditional roles. Their openly confrontational style is often both a strategy and an emotional response to the crisis. For example, women in Driefontein and in Mogopa dug open graves and promised officials that their dead bodies would have to be thrown in the graves before they would agree to a removal. After facing "hysterical," angry women from the communities, white officials often gratefully deal with male representatives who tactically offer themselves as reasonable and compromising negotiators. Though women's responses are based on real fear and anger during the crisis, both the men and the women themselves recognise the strategic value of these different approaches. Because their material well-being is more directly affected than men (who have made an alternative home in the cities), women are more likely to defy government orders in the face of serious danger. A woman on the Driefontein Council Board also expressed doubts about men's reliability in such situations:

Women must be there even if the committee is talking to the government. Women must be there because men are weak. If the government comes with the money, the men are going to look at the money and think what is happening in their homes, they won't think about somebody else. They won't think of the community. They will just think if I can get this money on my own, then I'll be number one. But as a mother, I'm thinking of everyone.

In such crises, it becomes difficult for the *kgotla* not to have direct contact/information from women when discussing strategies for that community's survival. In Mogopa, it became possible to persuade the *kgotla* that women should be included in the structure. This breakthrough was achieved in part by the intervention by TRAC fieldworkers who pointed out the absurdity of relying on reported speech from women to establish what was happening. At the moment, the *kgotla* has been expanded to include five women elected from a women's group (in addition to the twelve men), but many of the older men see this as merely a temporary arrangement, necessary to deal with the crisis. It is unlikely, however, that these men will be able to reestablish the old order, since women's access to this power has boosted their self-confidence and expectations.

In many other communities, even these serious crises of forced removal or incorporation have not shifted traditional power structures. In the Trust lands, the government's regulations have entrenched chiefs' power, thus reducing the flexibility of the system which might otherwise adapt organically.

VII. Women and Forms of Land Tenure

Under Apartheid, all black South Africans were subject to the sweeping powers of the government which dispossessed even legitimate title-deed holders of land from the 1930s onward. Access to freehold land does not therefore necessarily mean a greater sense of security. Some communities bought land before the Land Acts of 1913 and 1936 restricted ownership by black people. These black-owned farms came to be known as "black spots" within white South Africa. Black people bought the land and acquired title-deeds, either as individuals or as a collective (communally-owned land). Many fought long battles to remain on the land, in the face of government determination to remove them to various "ethnic" homelands. The story of the social engineering exercise which caused enormous suffering was documented by the Surplus People Project reports published in 1983.

Since the publication of the Abolition of Racially Based Land Measures Act in the middle of 1991, the racial controls over land have been relaxed. Communities are no longer facing removal because of the grand apartheid dream of a "white South Africa," though the eviction of people from privately owned land is still continuing. Now there are debates about land reform and distribution. The issue of restoration of land rights to communities who were removed is a highly contested one. Questions of forms of land tenure (such as individual or communal), small-scale farming, and

rural development policies are on the agenda. Their outcome will have a profound impact on the position of rural women.

VIII. Individual Freehold Land

Freehold land generally has both formal title deed holders (or land owners) and their families, and tenants or people leasing land living together. In this section, we will deal specifically with the position of land owners. Tenants have a much more tenuous position, with rights accorded only by the common law.

Landowners living on freehold land do nonetheless have the most security of tenure when compared with other forms of land holding. A legal title, governed by western property law, technically guarantees occupation of the land. Within this, conventional rules of inheritance operate. Therefore, women married under Roman-Dutch law inherit land owned by their husbands and acquire full legal rights to the land. The major problem encountered in this framework is that many marriages are still enacted only under customary "black" law, which does not entitle wives to inheritance. If there is no will, the sons of the landowner will inherit the land and the wife (and daughters) will have no secure right to that land.

Women we spoke to say that many men resist acquiring a marriage certificate because they feel that it reduces their marital powers. Under customary law, women are considered minors all their lives and therefore under the control of their husbands. Young girls live in their parents' homestead until marriage. When she marries, a woman will move to her husband's property. If she marries under customary law, she could become homeless on her husband's death.

Women's insecurity due to the powerful traditions of male control over land has developed in many of them an acute consciousness about land rights. Mothers feel that, with no independent land of their own, their daughters are especially vulnerable. If she does not marry, she may be forced to become a squatter or tenant. If her husband divorces her she could lose her home. Some women we interviewed state specifically that they will leave their land to both male and female offspring.

The desire for land as a form of security is deeply entrenched. But with expanding population and successively smaller inheritance, the land often becomes a token rather than a real security as each successive generation gets a smaller share. Driefontein in the South Eastern Transvaal is a good example of this. Here, freehold tenure does not guarantee the security that women need because, although women may have a house in

which to live, there is often no land for farming and no jobs in the vicinity.

Driefontein is an interesting case study of land and power relations which highlights some of the issues we raised. The land is held as individual freehold tenure bought in 1912 by an arbitrary collection of Zulu-speaking people. Though strongly traditional, there was no existing power structure. Initially, the community's affairs were controlled by a group of male elders, but later the entire population elected a democratic Council Board which had no membership restrictions. Tenants, landowners and women were eligible for election. But the first woman was elected to the Board only in 1984, during the threat of removal. The woman elected was the wife of the respected community leader, Saul Mkhize, who was shot dead during the conflict. Although Beauty Mkhize managed to convince the community to elect another two women, the real status of women has not yet been fundamentally challenged even in this exceptional community.

In Driefontein there are however quite a number of women landowners who inherited land from husbands and, occasionally, from their fathers. In these cases, the women who head the household alone have legal control over the land. They should, therefore, be concerned and involved in general community matters which affect their land. Despite this responsibility, however, women we interviewed said that they did not participate often at general meetings. A 61-year-old woman landowner said:

Women have two lives — old and new. In Soweto, women have a different life. Here in Driefontein, the old life is strong and men look after all the problems. . . . Women here are not educated and we live in the old times. . . . Women feel they have no right to speak when men are talking.

In the example of Driefontein, although women have greater access to land and there are no formal restrictions on their participation in community affairs at a high level, the legacy of traditional values keeps them from taking advantage of these opportunities. Many of the women interviewed had an acute perception of the need to give women greater material security and access to power. They spoke of how young women should have independent access to land and make them less vulnerable to men. No land means that women must marry, and stay with that man despite his abuse. Women may agree to difficult polygamous liaisons rather than have no man at all. While a "good marriage" was the highest expectation mothers have for their daughters, they were deeply concerned about the vulnerability of women in the case of death or desertion of a husband.

IX. Communal Freehold Land

Some freehold land is owned communally by a group or "tribe" of people. This is the case for the Mogopa people in the Western Transvaal, who were forcibly removed at gunpoint in 1984 after a prolonged struggle. Under this system, there may be some security of tenure for the group but not for women specifically. The group's governing body decides on allocations of land and unmarried people are denied access to land. An unmarried woman is expected to stay with her father. When he dies, she may be able to live with her brother, but if he is not willing she must enter wage labour to pay for a place to stay.

Even married women are not secure. When a husband dies, the land and household become the responsibility of his family. Although in most cases the wife is allowed to stay on the homestead, another male relative will represent her family and interests at the community level (say in the *kgotla*) and again she will be subordinate to another male family member. Theoretically, his family can take over the house, land, household possessions and even the children. In practice, the widow occupies her homestead only with the goodwill of her husband's family. If a woman decides to remarry after her husband's death, she is expected to leave her home/land.

Women's powerlessness in some communities is slowly being challenged. At Mogopa, for example, since the forced removal and struggle to reoccupy land, women have won representation on the *kgotla* (community decision-making forum). Later in the paper we take up the point of women's involvement in critical community decisions, and how this may influence their access to land and power. With TRAC's assistance, the women of Mogopa formed a separate women's group which helped them to support and strengthen each other (Small and Kompe, 1992). Through the process of struggle, the transformation of the women of Mogopa was dramatic. From being passive observers, they have become fully participating members of the community. The process has not been easy, and certain sections of the community have resisted women gaining power. Recent examples show ongoing tension around this issue, but also illustrate the progress that has been made.

In October 1991, some of the men on the committee tried to suggest that no women should be allowed to attend a meeting in Johannesburg with the community's lawyer, to discuss the terms of the settlement of the restoration of their land. The women challenged them and insisted that either they be present or the lawyer should come to the community to meet everyone. The men were forced to give in.

The strength of the alliance between the women and youth, previously both marginalised in the community, was demonstrated again at a meeting in September 1991. Some old men launched an attack on the "new practises" of allowing full community participation and tried to blame outsiders (i.e., TRAC). The conflict became very tense and youths were threatened with physical violence by some older men. The women literally picked up their skirts and rushed to defend the youths under attack. Conflict was averted, but the actions of the women would never have been imaginable a few years ago.

In community meetings nowadays in Mogopa, the women are extremely vocal. They often heckle speakers if they do not agree, or break into song to drown out an unpopular speaker. Old men try to reassert their power: ". . . in our tradition women are never seen in meetings." The women challenge such assertions, boldly saying that the traditions are outdated; they have participated in the struggle and have earned their right to have a voice.

X. Government-Owned Land

Land which was previously set aside for black occupation was held in "trust" by the government to be handed over to an "independent" black state or bantustan as part of the "separate development" policy. It has been governed by special regulations and usually administered by government-appointed chiefs, who may or may not be the traditionally recognised chief of the people living there. Since the repeal of the Land Acts, the exact status of the Trust land and the future of the bantustans is being questioned. At the time of writing, for those living under this form of tenure, the South African government or the bantustan government has total control over the land. For individuals, there is far less security of tenure. Chiefs control the allocation of land. Women living on this type of land are in a position similar to women living on communally-owned freehold land, except that the Tribal Authority or homeland government has final control over the fate of the land and the people.

Women in these areas are in a vulnerable position because they have no rights to land under the regulations governing these areas. On land owned by the Trust, heads of household must be issued an R188 certificate of occupation (in terms of the Black Areas Land Act regulations). A 40-year-old married woman living on Trust land in Moutse said:

An unmarried woman is not allowed to have a site. If she has children, she'll wait until her elder son is of age to get an ID and have a site to build a house registered in her son's name. . . . I think it is really

disgusting. A single mother is not allowed to have a site to build a house for her children. . . . We don't approve of it because if you're not married it is not your fault. Marriage is God's gift.

There are many cases of old women who become homeless when their husbands die and sons then evict them. Some chiefs allocate sites for old or unmarried women out of sympathy, but these allowances are made only in the individual chief's discretion. In some of the areas where we work, money transactions have started to replace tribal allegiance in land allocations. In these situations, the strict customs of eligibility for land has weakened in the favour of financial deals. If women are able to pay money, then sites are usually made available.

These categories of land access are not complete. A glaring omission from this discussion is the position of black people living on white farms as workers or labour tenants. These people have the least security of tenure of all, and within that, obviously, women are even more vulnerable.

XI. Looking to the Future

From the discussion above it is clear that there is a complex interrelationship between access to land, political and domestic power, and women's own self-esteem. It appears from the case studies that access to land is one of the most important factors in the power equation. Women who have legally inalienable rights to land have a greater chance of asserting some power on a local political as well as domestic level. However, it is also painfully apparent that access to land was not the only factor at play in women's powerlessness. Traditional value systems still dictate both men's and women's consciousness about themselves and their roles. Two married women in their early thirties from Bloedfontein in the Northern Transvaal felt: "Rural women think that their opinions aren't any good. The way their husbands treat them, they think they are nothing. So they have nothing to say. . . it's hard for people to break that down."

In the context of land and power, women have very clear demands about the changes needed in the future. Many of the demands are related to the general improvement of the quality of their lives — such as better facilities in rural areas (water, lighting, childcare, education and health). All of these are crucial issues in women's lives, and their absence is a form of exploitation in itself. The work that women do (as mentioned earlier) sustains the economy and, if not compensated by cash wages, should at least be paid for by the proper development of the rural areas. While policymakers may acknowledge the importance of involving women

(and perhaps even make laws which are sympathetic to their position), until the burden of manual domestic work is lightened, the women themselves may not have the time or energy to use the opportunities afforded them. But, since our focus is on land and power specifically, we will not discuss these issues in any depth here.

Women articulated wide-ranging demands for change. Some of these could be entrenched in new laws, although others require attitudinal change. We will deal with the issues raised in three parts — domestic, political power, and land — but it should be stressed that all of these need to be addressed concurrently to bring about significant changes to rural women's lives.

A. Domestic

The desire for equal power in the household was widely expressed. This has implications for law, in that women clearly favoured a marital contract that gave them dual power within the relationship. The definition of household head needs to be challenged; women — whether married, divorced, widowed or single — should be given political recognition in their own right within the family.

As long as women's status remains formally linked to men in any way, the chance of women becoming assertive is severely hampered. The way in which women's reproductive role makes them vulnerable must be recognised and support for children should be guaranteed to a far greater extent. Under current conditions, the risk of women with young dependents being ejected from their land/homes induces high levels of anxiety. Women's right to a place to stay should be legally entrenched. This security should also address the grave problem of old women being made homeless. Since, like all women, their status and access to land is dependent on their relations with men, they are faced with the unenviable task of making themselves indispensable in the household of a male relative (probably a son). This can easily lead to exploitation of the old women's labour or abuse of their meagre pension money. Elderly men's high status and automatic access to land does not expose them to such insecurity. On the vulnerability of old women, a Bloedfontein interviewee said: "Old people often get thrown out (of their homes) after their husband's death. In a new South Africa it seems there should be something to protect them."

B. Political Power

Women want equal representation on local level political structures, such as the *kgotla*. There was a feeling that women must hold structural

positions of power in order to encourage participation of other women in general community and political processes. Our small number of case studies show that, even where there are no formal obstructions to the election of women into positions of power (even at a local level), it does not automatically happen because of low self-esteem and the traditional belief that power is the domain of men. Perhaps, therefore, it may be necessary to build specific positions or proportions for women's representation into the constitution of such bodies to ensure the participation of women in political processes.

In terms of the *kgotla* and institution of chieftainship, not all of the women's proposals for the future changes fundamentally challenge traditional practices. Many of the women interviewed suggested reforms to the traditional system which they felt would improve the position of women. They accepted the existence of chieftainship but recommended that chiefs should encourage or support the development of women's organisation. Part of this would necessarily challenge the accepted role of the chief's wife as a passive figurehead. Women suggested that the chief's wife become a regular member of a women's organisation both to give them legitimacy and to demonstrate the support of the chief/*kgotla*. When responding to a question of the difficulties in organising women, a middle-aged teacher from Nkwane in the Northern Transvaal said:

They (women) say let it be released from the chief, then we will be free to come. Some of them say, well, we are not married, we are afraid to get involved. We may be deprived of some of the things that we may need from the chief. As soon as the councillors give way, then we will have a lot of women.

C. Land

It was our initial belief that the degree of security/access to land would directly influence the extent to which women had access to power at a local level. Discussion with women living under the different forms of land tenure did not yield such clear results. While women living on freehold land in the South Eastern Transvaal did have greater *potential access* to local power, it is difficult to draw a neat correlation between these two factors.

Our earlier discussion indicates the complex interplay between traditional values absorbed through the socialisation process, structural/regulatory restrictions on women's roles and real insecurity. We do not intend to try to explore the theoretical interpretation of such interplay — but it is possible to conclude that women's lack of security in relation to land

further *inhibits* their ability to assert themselves both in the domestic and political spheres. Legal and social entitlement to land and housing is a universal demand from women with whom we have contact. Although women did not often question the importance of their roles as wives or mothers, they stated unequivocally that women's access to land and houses should be *independent* of their relationships to men.

Key questions of forms of land tenure, promotion of black farmers, local authorities structure, and rural development are confronting our policy makers in their consideration of land reform. In all of these (and other matters), the gender dynamic is of crucial importance. There will need to be an affirmative action attitude built into policies, regulations and laws regarding land if the situation described above is to be tackled. When land rights are granted to households, *who* in the family will be given the rights? When black farmers are offered incentive schemes of credit, training or land, will *subsistence* be considered "farming" and will *women* also be considered for these deals? When development practitioners consult with local people about their priorities for resource allocation, will *women as a specific sector* be given attention?

XII. Policy Implications

The discussions we had with women naturally lead to two conclusions — that women must be part of the *process* of policy formulation, and that their needs must be reflected in the *content* of new government policy. The challenge is how this is to be done. It may be possible to convince policy makers of the need for this, but working out how to implement this effectively is very difficult.

Certainly, the priority for political and developmental organisations is to promote democratic, representative women's structures, particularly in the rural areas. It has been a painful lesson that we cannot rely on national structures to be sensitive to the resource-poor sectors. Thus, we feel there should be active development of *rural* women's organisations or, at a minimum, some structural way of incorporating these women into political processes.

XIII. Organisational Initiatives

TRAC has been involved in facilitating the development of a rural women's network. The structure emerged from the organisational development work of fieldworker Lydia Kompe, in resistance to forced removals. A link-up of rural women's groups has developed into the Rural Women's Movement, formed in April 1990 and officially launched in

November 1991. It is a loose alliance of rural women's groups and projects from across the Transvaal and Northern Cape. Its common basis was the connection through struggles of resistance to Apartheid land policies, but it defines itself as being "open to all oppressed rural women who wish to join our struggle for women's rights" (RWM Constitution). The Movement was formalised in the context of negotiations and reform, and this is reflected in the demands being articulated. The Constitution outlines the following aims:

- to create forums for rural women to unite against oppression;
- to demand that women have equal rights to land;
- to encourage women to be self-reliant, independent and creative;
- to achieve a situation where women have a say in political matters at a national level and in our communities;
- to help women have access to literacy, adult education and training to improve their lives;
- to acquire resources to develop rural areas which would improve women's daily lives;
- to provide opportunities to bring rural and urban women closer;
- to work for the abolition of child labour and the right of children on farms to schooling;
- to take up issues around women's legal status and social welfare (including matters such as disability grants, maintenance and women's rights over childbearing). (TRAC, December 1991.)

XIV. Conclusion

Our work has highlighted certain clear areas where policy change is urgently needed — securing women's independent access to land and housing — but there are many questions about how best to do this. We can offer few answers, and only reiterate the challenge. If we are committed to building a society which is genuinely redistributive to its poorest and most oppressed members, then we must ensure that rural women's concerns are given public hearing. This in itself has implications for the way we work — for language, culture, education levels, geographical isolation, time constraints due to domestic burdens, and psychological self-image all mitigate against the chances of hearing rural women. Rural women themselves are responding to the challenge.

We, as fieldworkers, must be cautious of speaking "on behalf" of rural women as we are doing in this paper. The only real way to guarantee a gender-sensitive policy which includes the actual needs of rural women is to help construct channels which make their voices heard directly.

A woman from Huhudi in the far Northern Cape, when asked what changes there should be in a new South African society, made a radical

demand for incorporating both the need for women's participation in the *formulation* of new laws, in their *implementation* and in the *content* of the statutes and policies of the future. She said: "They (rural women) are the women of South Africa, they are waiting to see what will happen in a new South Africa. They wish to reach the new South Africa. Then they would like to hear the voices of the women in the new South African law.

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